

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species (7) (said biologically active enzyme is renilla luciferase, claim 7) in the reply filed on December 22, 2009 is acknowledged.
2. In view of the restriction mailed on January 28, 2009, the examiner notes that there are some errors in that restriction. In order to correct the errors in the restriction mailed on January 28, 2009, this restriction has been partially withdrawn. Since claim 11 has been withdrawn by applicant (see applicant's remarks filed on March 30, 2009), now claims 1-10, 12, and 13 are subjected to restriction requirement.
3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group IA, claims 1-5, 7-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is protein and said first and second recognition molecules are antibodies or its fragments.

Group IB, claims 1-5, 7-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is protein and said first and second recognition molecules are DNA oligomers, DNA aptamers or PNA oligomers.

Group IC, claims 1-5, 7-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is DNA or RNA and said first and second recognition molecules are antibodies or its fragments.

Group ID, claims 1, 2, 4, 6-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is DNA or RNA and said first and second recognition molecules are DNA oligomers, DNA aptamers or PNA oligomers.

Group IE, claims 1-5, 7-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is lipid and said first and second recognition molecules are antibodies or its fragments.

Group IF, claims 1-5, 7-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is lipid and said first and second recognition molecules are DNA oligomers, DNA aptamers or PNA oligomers.

Group IG, claims 1-5, 7-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is sugar and said first and second recognition molecules are antibodies or its fragments.

Group IH, claims 1-5, 7-10, 12, and 13, drawn to a method for detecting the presence of an analyte in a solution wherein said analyte is sugar and said first and second recognition molecules are DNA oligomers, DNA aptamers or PNA oligomers.

4. The inventions listed as Groups IA to IH do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group IA and Groups IB to IH do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, the combination of said analyte and said first and second recognition molecules in Group IA is not required for Groups IB to IH while the combinations of said analyte and said first and second recognition molecules in Groups IB to IH is not required for Group IA.

Group IB and Groups IC to IH do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, the combination of said analyte and said first and second recognition molecules in Group IB is not required for Groups IC to IH while the combinations of said analyte and said first and second recognition molecules in Groups IC to IH is not required for Group IB.

Group IC and Groups ID to IH do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, the combination of said analyte and said first and second recognition molecules in Group IC is not required for Groups ID to IH while the combinations of said analyte and said first and second recognition molecules in Groups ID to IH is not required for Group IC.

Group ID and Groups IE to IH do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, the combination of said analyte and said first and second recognition molecules in Group ID is not required for Groups IE to IH while the combinations of said analyte and said first and second recognition molecules in Groups IE to IH is not required for Group ID.

Group IE and Groups IF to IH do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For

example, the combination of said analyte and said first and second recognition molecules in Group IE is not required for Groups IF to IH while the combinations of said analyte and said first and second recognition molecules in Groups IF to IH is not required for Group IE.

Group IF and Groups IG to IH do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, the combination of said analyte and said first and second recognition molecules in Group IF is not required for Groups IG to IH while the combinations of said analyte and said first and second recognition molecules in Groups IG to IH is not required for Group IF.

Groups IG and IH do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, the combination of said analyte and said first and second recognition molecules in Group IG is not required for Group IH while the combination of said analyte and said first and second recognition molecules in Group IH is not required for Group IG.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30

(November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen, can be reached on (571)272-0731.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank W Lu /
Primary Examiner, Art Unit 1634
March 29, 2009